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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE H.L. DATTU

WRIT PETITION No. 24885/1993

BETWEEN:

T.K.Shivaraman, s/o Late
T.S.Kuppuraman, aged 53 yrs.,
r/a Coffee Board Quarters,
Chettalli, Kodagu Dist.,
Pin Code - 572 418.

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.. Petitioner

(By Sri A.R.Holla, Adv.,)

AND:

1. Coffee Board,
Dr.Ambedkar Veedhi,
Bangalore-1, by its Chairman.

2. Sri N.Ramamurthy,
Soil Chemist, Coffee
Research Sub Station,
Chettalli, Kodagu Dist.,
Pin Code-572 418.

.. Respondents

(By Sri N.B.Bhat, Adv., for R1;
R2 served)

This Writ Petition filed under Article 226 of the Constitution of India, praying to declare that the promotion of Respondent No.2 as Soil Asst. in pursuance of Annexure 'D' dt. 18-6-93 as invalid and etc.,

This Writ Petition coming on for hearing this day, the Court made the following :-

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ORDER

Petitioner had joined the services of the respondent-Coffee Board on 30.6.1965 as a Research Assistant in Chemistry and at the time of filing of this writ petition he was working as Assistant Chemist in the respondent-Board.

2. The only grievance of the petitioner before this Court is that the respondent-Board could not have promoted the 2nd respondent to the next promotional cadre of Soil Chemist ignoring the case and claim of the petitioner for the reason that he is senior most among the Officers and Staff of Research Department.

3. The Coffee-Board had prepared and published the Common Gradation List of Officers and Staff of Research Department as on 1.1.1992 and has published the same on 30.4.1992. In the said common seniority list, petitioner's name does find a place at Sl.No.1 and that of 2nd respondent is at Sl.No.5.

4. The Cadre and Recruitment Rules of the Coffee-Board provides for method of recruitment,

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1) qualification ^{required} ~~necessary~~ for the next promotional post of Soil Chemist from the post of Research Assistant. To secure the promotional post of Soil Chemist from among the Research Assistants, a person should have requisite qualification and experience. According to the Schedule attached to the Cadre and Recruitment Rules, the qualification that is prescribed is that a person should be a Post-Graduate degree holder in the concerned subject and should have minimum three years experience. In the instant case petitioner is only a B.Sc degree holder and the 2nd respondent is M.Sc(Ag.) degree holder. That is demonstrated even in the Seniority List prepared by the Coffee Board. Taking into consideration the requisite qualification that the 2nd respondent had for the promotion, the respondents have promoted him for the post of Soil Chemist and they have ignored the claim of the petitioner only for the reason that petitioner didnot possess the requisite qualification as required under C & R Rules.

4. In that view of the matter, this Court cannot take any exception to the promotion granted to the 2nd respondent from the post of Research Assistant to the next promotional post of Soil

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Chemist, since the same has been done in accordance with the C & R Rules of the Coffee Board.

5. In that view of the matter, petitioner cannot have any grievance with regard to the promotion granted to the 2nd respondent by the Coffee Board by its impugned order.

6. Accordingly petition is dismissed. Rule discharged. In the facts and circumstances of this case, parties are directed to bear their own costs. Ordered accordingly.



Sd/-
JUDGE

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